REMARKS

INTRODUCTION:

The Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-15 are pending in the present application. Claims 1, 12, 13, 14, and 15 are the independent claims.

In accordance with the foregoing, the specification has been amended to correct apparent typographical errors as would be understood by one of ordinary skill in the art based on the totality of the disclosure.

Initially, the Applicant notes that claim 10 was indicated as containing patentable subject matter and would be allowed if rewritten in independent form to include all the limitations of its base claims and any intervening claims. By the present amendment, the Applicant has respectfully maintained claim 10 in dependent form because it is believed, at least for the reasons discussed below, that the respective base claim is allowable.

Further, the Applicant notes that claim 12 is allowed.

Claims 1-5, 8, 9, 11, and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by <u>Chritz, Jr. et al.</u> (U.S. Patent No. 6,430,120).

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Chritz, Jr. et al.</u> (U.S. Patent No. 6,430,120).

Claims 1, 2, 4, 5, 8, 9, 11, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by <u>Misono</u> (U.S. Patent No. 5,365,502).

New claims 14 and 15 have been added.

No new matter is being presented, approval and entry of the forgoing amendments is respectfully requested.

REJECTION UNDER 35 U.S.C. §102(e):

On pages 2-5, item 5, of the Office Action, the Examiner rejects claims 1-5, 8, 9, 11, and 13 under 35 U.S.C. § 102(e) as being anticipated by <u>Chritz, Jr. et al.</u> (U.S. Patent No.

6,430,120). This rejection is respectfully traversed and reconsideration is requested.

In the third paragraph on page 3 of the Office Action, the Examiner cites <u>Chritz, Jr. et al.</u> as disclosing a method for providing sub-code data to a host computer in an optical disc comprising, "setting the sub-code data whenever the data of [a] predetermined unit is output from a buffer" (Office Action, page 3, paragraph 3) as recited in claims 1, 11, and 13 of the present application. The Applicant respectfully submits that the citation does not disclose this element as recited.

As a point of clarification, the Applicant notes that claim 1 of the present invention recites, "setting the sub-code data whenever the data of a predetermined unit is output from the buffer." In claim 1, the terms "sub-code data" and "data" are not equivalent. The term "data" draws its antecedent basis from the preamble, which reads, "data from a pick-up is reproduced through a buffer." Accordingly, when claim 1 of the present invention recites, "setting the sub-code data whenever the data of a predetermined unit is output from the buffer," it refers to setting sub-code data whenever data that has been reproduced through a buffer is output from the buffer.

In contrast, however, <u>Chritz, Jr. et al.</u> does not disclose reproducing data through a buffer. In the citation, the only purpose of the memory appears to be to store sub-code and TOC data, accordingly the Examiner cites <u>Chritz, Jr. et al.</u> as disclosing a method in which "sub-code and TOC information are read and stored in [a] buffer" (Office Action, page 3, paragraph 3). The Examiner does not, however, cite <u>Chritz, Jr. et al.</u> as disclosing storing any data other than sub-code or TOC data in a memory. Nor does the Examiner cite <u>Chritz, Jr. et al.</u> as disclosing reproducing data through a buffer. In the citation, the sub-code data is not reproduced through a buffer, and therefore cannot be equivalent to data which is reproduced through a buffer. Therefore, the citation does not disclose or suggest outputting data that has been reproduced from a buffer. Claims 1, 11, and 13 recite outputting data that has been reproduced through a buffer, this element is not present in the citation.

In the fourth paragraph on page 3 of the Office Action, the Examiner cites <u>Chritz, Jr. et al.</u> as disclosing transmitting sub-code data to the host computer during reproduction mode as recited in claims 1, 11, and 13. The Applicant respectfully submits that the citation only discloses transmitting sub-code or TOC data from a non-volatile memory after a loss of power and prior to reproduction. Specifically, the citation discloses,

When the power is reconnected, the system reads the sub-code

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> information from the recorded medium, or disk, and compares that
> information with the stored sub-code information. The disc controller
> then calculates how far the optical pickup must jump to achieve the
> stored position of the pickup. After a proper amount of track jumping,
> the pickup is restored generally to its position prior to the power
> interruption, and the disc player resumes its play mode.

Chritz, Jr. et al., col. 3, lines 38-46.

As detailed above, the citation does not disclose or suggest any transfer of sub-code data during reproduction, rather, the citation specifically discloses transfer of sub-code information only during an interruption in the reproduction mode.

As a point of clarification, the Applicant respectfully submits that MPEP § 706.02 dictates that, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly" and that "any feature not directly taught must be inherently present." (MPEP § 706.02, 700-21) In this regard, the Applicant respectfully notes that claims 11 and 13 recite additional elements not addressed in the Office Action. Specifically claim 11 recites:

> the setting of the sub-code data comprises setting the sub-code data
> using a microcomputer through a decoder which accesses the buffer;
> and
> the transmitting of the set sub-code data comprises transmitting the set
> sub-code data from the microcomputer through the decoder to the host
> computer.

The Office Action does not cite Chritz, Jr. et al. as disclosing using a microcomputer through a decoder which accesses the buffer or transmitting the set sub-code data from the microcomputer through the decoder.

Claim 13 recites:

> A method of providing sub-code data stored on a disc to a host
> computer in an optical disc drive formed so that data from the disc and
> read using a pick-up is reproduced through a buffer, the method
> comprising:
> storing the data and the sub-code data read from the disc in the
> buffer during a reproduction mode;
> reading the data from the buffer in predetermined units to the
> host computer;
> setting a current item of the sub-code data in response to one of
> the predetermined units of the data being read from the buffer; and
> transmitting the current item of the set sub-code data to the host
> computer in response to a request from the host computer for the sub-
> code data.

Specifically, the Office Action does not recite Chritz, Jr. et al. as disclosing an optical

disc drive formed so that data from the disc and read using a pick-up is reproduced through a buffer, reading the data from the buffer in predetermined units, or transmitting the current item of the set sub-code data to the host computer.

As such, the Applicant submits that for at least this reason the rejection of claims 11 and 13 under 35 U.S.C. § 102(e) is not proper. Accordingly, the Applicant respectfully requests reconsideration and allowance of the claims.

The Applicant further submits that the dependent claims 2-5, 8-9, and 11 depend from claim 1, and therefore should also be allowable for at least the same reasons as their respective base claim, and further due to the additional features that they recite.

REJECTION UNDER 35 U.S.C. 103(a):

On pages 5 and 6, item 7, of the Office Action, the Examiner rejects claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Chritz, Jr. et al. (U.S. Patent No. 6,430,120). This rejection is respectfully traversed and reconsideration is requested.

The Applicant respectfully submits that claims 6 and 7 are patentably distinct from the citation for at least the reasons stated above with respect to the Examiner's rejection of their base claim, claim 1. Therefore, claims 6 and 7 should also be allowable for at least the same reasons as claim 1, and further due to the additional features that they recite.

REJECTION UNDER 35 U.S.C. §102(b):

On pages 6 and 7, item 9, of the Office Action, the Examiner rejects claims 1, 2, 4, 5, 8, 9, 11, and 13 under 35 U.S.C. § 102(b) as being anticipated by Misono (U.S. Patent No. 5,365,502). This rejection is respectfully traversed and reconsideration is requested.

Initially, the Applicant respectfully submits that the Examiner's citation to column 3, lines 35-46 of Misono appears to be inadvertent. The cited lines refer to a window portion made of transparent material and a pointing device composed of trigger buttons. The cited lines do not support Misono disclosing any elements recited in claims 1, 2, 4, 5, 8, 9, 11, or 13.

The Applicant respectfully submits that claims 2, 4, 5, 8, 9, 11, and 13 recite elements not recited in claim 1. The rejection under Misono does not address any of the additional elements, and the Applicant again respectfully submits that section 706.02 of the MPEP dictates that, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of

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the claimed invention either explicitly or impliedly" and that "any feature not directly taught must be inherently present." (MPEP § 706.02, 700-21). As none of the additional elements of claims 1, 2, 4, 5, 8, 9, 11, or 13 have been addressed, the Applicant submits that the rejection of those claims as being anticipated by Misono is not proper.

With regard to claim 1, Misono, like Chritz, Jr. et al., does not disclose "setting the sub-code data whenever the data of a predetermined unit is output from the buffer" or "transmitting the set sub-code data to the host computer when the sub-code data is requested from the host computer during the reproduction mode" as recited in claim 1 of the present invention. As with Chritz, Jr. et al., Misono does not disclose setting data based on the output of a buffer, but rather may disclose storing sub-code data in a buffer. Also as above, Misono does not appear to disclose a transfer of data to a host computer during reproduction. The Applicant notes that, while the Examiner cites Misono as disclosing a transfer of data to a host computer during reproduction, for the reason stated above regarding the inadvertent citation, the basis for the Examiner's understanding of Misono is not apparent to the Applicant.

CONCLUSION:

In accordance with the foregoing, the specification has been amended. Claims 1-15 are pending and under consideration.

The Applicant initially notes that independent claim 12 has been allowed. Independent claims 14 and 15 have been added. The Applicant respectfully submits that the remaining independent claims 1 and 13 of the present invention patentably define the present invention over the citations of record. The dependent claims 2-11 should also be allowable for at least the same reasons as their respective base claims, and further due to the additional features that they recite.

The Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.
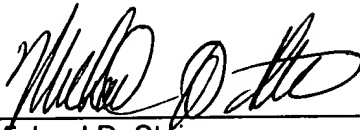
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: ___12/12/03___   By: _____

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